

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

**ORDER DIRECTING ENTRY OF JUDGMENT
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS***

Plaintiff Lorenzo Pearson filed a *pro se* civil complaint on October 9, 2018, while he was incarcerated at the Henry County Correctional Facility (Jail) in Paris, Tennessee. (ECF No. 1.) The Court subsequently issued an order granting leave to proceed *in forma pauperis* and assessing the civil filing fee pursuant to the Prison Litigation Reform Act (PLRA), 28 U.S.C. §§ 1915(a)-(b). (ECF No. 5.) That order also directed Plaintiff to “notify the Court immediately, in writing,” of any change of address. (*Id.* at 3.)

On October 31, 2018, the Court issued an order dismissing the complaint for failure to state a claim on which relief may be granted but granted leave to file an amended complaint. (ECF No. 6.) The order notified Plaintiff that if he “fails to file an amended complaint within the time specified, the Court will assess a strike pursuant to 28 U.S.C. § 1915(g) and enter judgment.” (*Id.* at 6.) However, Plaintiff’s copy of that

order, sent to his address of record at the Jail, was returned undeliverable on November 19, 2018, marked “Return to Sender,” “Attempted – Not Known,” and “Unable to Forward.” (ECF No. 7.)

Because Pearson has provided no current address and has not filed an amended complaint, judgment will be entered in accordance with the October 31, 2018, order dismissing the complaint for failure to state a claim, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1).

It is CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a), that an appeal by Pearson would not be taken in good faith. Leave to appeal *in forma pauperis* is DENIED.

For analysis under 28 U.S.C. § 1915(g) of future filings, if any, by Pearson, this is the first dismissal of one of his cases as frivolous or for failure to state a claim. This strike shall take effect when judgment is entered. *See Coleman v. Tollefson*, 135 S. Ct. 1759, 1763-64 (2015).

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE